### **Preliminary land Use Service (PLUS)**

**Delaware State Planning Coordination** 

540 S. DuPont Highway • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please complete this "PLUS application in its entirety. **All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090. Possible resources for completing the required information are as follows:

www.state.de.us/planning www.dnrec.state.de.us/dnrec2000/ www.dnrec.state.de.us/DNRECeis/ datamil.udel.edu/ www.state.de.us/deptagri/

		www.state.ue.us/u	<u>leptagn/</u>				
1.	Project Title/Name: Millville Comprehensive Plan Amendment						
2.	Location: Millville						
3.	Parcel Identification #: N/A	4.	County or Loca	Jurisdiction Name: Millville			
5.	Owner's Name: N/A						
	Address:						
	City:	State:		Zip:			
	Phone:	Fax:		Email:			
6.	Applicant's Name: Town of Millville						
	Address: PO Box 938 351 Atlantic Avenue						
	City: Millville	State: Delaware		Zip: 19967			
	Phone: (302) 539-0449	Fax: (302) 539-0879		Email:			
7.	Engineer/Surveyor Name: N/A						
	Address:						
	City:	State:		Zip:			
	Phone:	Fax:		Email:			
8.	Please Designate a Contact Person, including phone number, for this Project: Bob Alexander, Town Manager						

Information Regarding Site:						
9.	Area of Project(Acres +/-): N/A					
11.	If this property has been the subject of a previous LUPA or PLU applications."	JS review, please provide the name(s) and date(s) of those				
12.	Present Zoning: N/A	13. Proposed Zoning: N/A				
14.	Present Use: N/A	15. Proposed Use: N/A				
16.	5. If known, please list the historical and former uses of the property, and any known use of chemicals or hazardous substances: N/A					
17.	Comprehensive Plan recommendation:  If in the County, which area, according to their comprehensive New Castle	plan, is the project located in: Sussex				
	. Water: ☐ Central (Community system) ☐ Individual On-Site X☐ Public (Utility)  Service Provider Name: Tidewater  What is the estimated water demand for this project? Unknown  How will this demand be met?  . Wastewater: ☐ Central (Community system) ☐ Individual On-Site X ☐ Public (Utility)					
	Service Provider Name: Sussex County					
20.	If a site plan please indicate gross floor area: N/A					
21.	If a subdivision:	☐ Mixed Use				
22.	22. If residential, indicated the number of number of Lots/units: N/A Gross Density of Project: Net Density					
Gro	Gross density should include wetlands and net density should exclude wetlands, roads, easements, etc					

23.	If residential, please indicate the following: N/A					
	Number of renter-occupied units:					
	Number of owner-occupied units:					
	Target Population (check all that apply):					
	Renter-occupied units					
	Family					
	Active Adult (check only if entire project is restricted to persons over 55)					
	Owner-occupied units					
	☐ Firsttime homebuyer – if checked, how many units					
	☐ Move-up buyer – if checked, how many units					
	Second home buyer – if checked, how many units					
	Active Adult (Check only if entire project is restricted to persons over 55)					
24.	Present Use: % of Impervious Surfaces: N/A  Proposed Use: % of Impervious Surfaces:					
05.1	Square Feet: Square Feet:					
25.	What are the environmental impacts this project will have? N/A					
	How much forest land is presently on-site?  How much forest land will be removed?					
	Tiow much forest failurs presently on-site:					
	Are there known rare, threatened, or endangered species on-site? ☐ Yes ☐ No					
	The thole known rate, threatened, or chadnycled species on site. — Tes — 100					
	Is the site in a sourcewater (for example, an excellent groundwater recharge) protection area? $\square$ Yes $\square$ No					
	Does it have the potential to impact a sourcewater protection area? $\square$ Yes $\square$ No					
26.	Is any portion of construction located in a Special Flood Hazard Area as defined by the Federal Emergency Management					
	ncy (FEMA) Flood Insurance Rate Maps (FIRM)?  Yes  No N/A					
	Will this project contribute more rainwater runoff to flood hazard areas than prior to development?   Yes   No If					
	s," please include this information on the site map.					
	Are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and					
Envi	ronmental Control, on the site?   Yes No N/A					
	Are the wetlands. Tidal Area					
	Are the wetlands:					
	☐ Non-tidal Acres					
	If "Yes", have the wetlands been delineated? ☐ Yes ☐ No					
	Has the Army Corp of Engineers signed off on the delineation? $\square$ Yes $\square$ No					
	Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? $\square$ Yes $\square$ No If "Yes", describe the impacts:					
	Will there be ground disturbance within 100 feet of wetlands ☐ Yes ☐ No					
28.	Will there be ground disturbance within 100 feet of wetlands ☐ Yes ☐ No  Are there streams, lakes, or other natural water bodies on the site? ☐ Yes ☐ No N/A					
	If the water body is a stream, is it: ☐ Perennial (permanent) ☐ Intermittent ☐ Ephemeral (Seasonal)					
If "Yes", have the water bodies been identified?   Yes   No						
	Will there be ground disturbance within 100 feet of the water bodies    Yes    No If "Yes", please describe:					

29.	Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes No N/A					
	If yes, please list name:					
30.	List the proposed method(s) of stormwater management for the site: N/A					
	Define the anticipated outlet location(s) for stormwater generated by the site (for example, perennial stream, tax ditch, roadsi swale, storm drain system, infiltration, etc.):					
	Will development of the proposed site create or worsen flooding upstream or downstream of the site? $\square$ Yes $\square$ No					
31.	Is open space proposed?					
	What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?					
	Where is the open space located?					
Are you considering dedicating any land for community use (e.g., police, fire, school)?   Yes  No						
32.	Does it border existing natural habitat or preserved (for example, an agricultural preservation district or protected State Resource Area) land?   Yes No If "Yes," what are they? N/A					
33.	Is any developer funding for infrastructure improvement anticipated?   Yes No If "Yes," what are they? N/A					
34.	Are any environmental mitigation measures included or anticipated with this project?   Yes No N/A					
	Acres on-site that will be permanently protected					
	Acres on-site that will be restored					
	Acres of required wetland mitigation					
	Stormwater, erosion and sediment control, and construction best management practices (BMPs) that will be employed					
	Buffers from wetlands, streams, lakes, and other natural water bodies					
35.	Has any consideration been given to nuisance species (for example, mosquitoes or Canada geese)?   Yes No N/A					
36.	Will this project generate additional traffic? ☐ Yes ☐ No N/A					
	How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume the peak season					
	What percentage of those trips will be trucks, excluding vans and pick-up trucks?					
	37. If the project will connect to public roads, please specify the number and location of those connections. Please describe those roads in terms of number of lanes, width (in feet) of the lanes and any shoulders. N/A					

38. Is any of the project's road frontage subject to the Corridor Capacity Preservation Program?   Yes X  No							
39. Please list any locations where this project physically could be connected to existing or future development on adjacent lands							
and indicate your willingness to discuss making these connections. N/A							
40. Are there existing or proposed sidewalks? ☐ Yes ☐ No; bike paths ☐ Yes ☐ No N/A							
Is there an opportunity to connect to a larger bike/pedestrian network? ☐ Yes ☐ No							
41. Is this site in the vicinity of any known historic/cultural resources or sites   Yes No N/A							
Has this site been evaluated for hisbric and/or cultural resources? ☐ Yes ☐ No							
Will this project affect, physically or visually, any historic or cultural resources?   Yes   No  If "Yes," please indicate what will be affected (Check all that apply)							
☐ Buildings/Structures (house, barn, bridge, etc.) ☐ Sites (archaeological) ☐ Cemetery							
Would you be open to a site evaluation by the State Historic Preservation Office?   Yes   No							
42. Are any federal permits, licensing, or funding anticipated?   Yes No N/A							
43. Will this project generate any solid waste or require any special permits within State agencies to the best of your knowledge?  Yes No If yes, please List them: N/A							
44. Please make note of the time-line for this project: Summer 2004							
I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.							
Signature of property owner or contract buyer  Date							
Signature of Person completing form Date (If different than property owner)							
This form should be returned to the Office of State Planning electronically at <a href="Dorothy.morris@state.de.us">Dorothy.morris@state.de.us</a> along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and leasting mans should be submitted as image files (IDEC, CIE, TIE, etc.) or as PDE files. CIS							
drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. A signed copy should be forwarded to the Office of State Planning, 540 S. DuPont Highway, Ste. 7, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.							

#### **Town of Millville Comprehensive Plan Amendment**

June 1, 2004

The Town of Millville adopted its comprehensive plan in October 2003, and it was subsequently certified by the State of Delaware. The plan acknowledged that the Town was in the midst of a rapidly growing area, but at the time, the Town had some administrative issues to address before it could be a full participant in accepting that growth. Beginning with the development of its comprehensive plan, and in actions since its adoption, the Town has been gearing up to prepare itself for growth. To that end, the Town has adopted a subdivision ordinance and hired a town manager. The Town manager and elected officials are coordinating closely with Sussex County on issues surrounding sewer, and also with the neighboring Town of Ocean View on development issues relevant to both towns.

The 2003 comprehensive plan identified an area of concern, with the acknowledgement that annexation may be appropriate in this area when the town is prepared to manage the related growth. The plan indicated that a plan amendment with a more detailed annexation plan would be completed when the town is ready for annexation.

The comprehensive plan amendment affects two sections of the Comprehensive Plan: Future Land Use and Annexations and Provision of Utilities, Community Facilities and Services, and Transportation (Wastewater Infrastructure subsection). This addendum serves as the amendment to the plan, effectively updating those sections of the text and the accompanying Map 7: Area of Concern. Map 7a is the updated map showing the annexation area and the anticipated future land uses in this annexation area.

#### C. Future Land Use and Annexations

Future Land Use

Map 5 shows the future land use in Millville, which generally depicts a continuation of existing land use policy. Future commercial uses lie primarily along Route 26, which is consistent with current land uses in town and with the land uses and zoning in the neighboring town of Ocean View. Residential areas surround these commercial uses, further away from the Route 26 corridor. Single family homes on modest to large lots were identified as the most appealing housing types during the public participation process. Townhouses and communities with a mix of residential styles were seen as acceptable.

#### Development of Adjacent Areas

The Town of Millville is located in the midst of very rapidly developing coastal Sussex County. The Town is adjacent to the Town of Ocean View, which has been rapidly growing in recent

years. There are also numerous development projects north of Town in Sussex County. The Town of Millville and areas to the north are located within Sussex County's Millville and Holts Landing sewer areas, part of the Bethany Beach Sewer District. The area south and southwest of town are part of the Beaver Dam sewer area. In this area, developers of several priority projects will be responsible for building the sewer infrastructure to the South Coastal Treatment Plant. The County is in the process of a South Coastal Area Planning Study (SCAPS), which will plan for sewering the entire Environmentally Sensitive Development Area defined in the Sussex County Comprehensive Plan.

The Sussex County Comprehensive Plan, adopted in December 2002, identifies the area surrounding Millville as part of the Environmentally Sensitive Developing Area. The area is also identified as such in the State Strategies for Policies and Spending document approved by the Cabinet Committee on State Planning Issues. (See Map 6: State Strategies) The State and County envision this area to have a balance between resource protection and sustainable growth. In implementing its comprehensive plan, Sussex County has adopted an ordinance for the Environmentally Sensitive Developing Area that requires that developers show the impact of their projects on the environmental quality of the area. The Strategies for State Policies and Spending are currently being updated, with approval expected in summer 2004. The current draft of the map shows the area around Millville as Levels 2 and 3, Level 2 where the State encourages growth, and Level 3 where the State supports properly phased growth that is sensitive to the context of its natural and agricultural surroundings.

Much of the land surrounding Millville that is under the County's jurisdiction is zoned AR-1, or agricultural residential. This zoning allows residential development on 20,000-square-foot lots when on central sewer, with an option of clustering to 7,500-square foot lots. Immediately west of the Town boundary, to the intersection of Routes 17 and 26, the land has commercial zoning in Sussex County. North of Millville there are several areas that have medium residential and general residential zoning.

The Town of Millville recognizes its position within such a rapidly growing area, and the Town has expressed interest in working to shape this growth so as to minimize potential impacts on the Town and incorporate new development into the character of the Town. In order to help shape this growth, the Town will need to coordinate with Sussex County and the Town of Ocean View on land use decisions.

The Town of Millville is concerned about the rapid growth and annexation happening in the Town of Ocean View. The Town does not want to be "swallowed up" or surrounded by Ocean View. Currently, Millville shares its eastern boundary with Ocean View, and recent growth has brought Ocean View to areas south of Millville. The Town of Millville would like to work with Ocean View to ensure that its current boundary does not extend any further west than its current limits. In March 2004, the towns signed a memorandum of understanding state how the two jurisdictions will coordinate on issues of development and annexation in areas of common interest to both towns.

Map 7a shows an annexation area drawn around the Town of Millville. Within this area the Town would like to have influence over how development occurs. The eastern boundary of this area, to the south of the town, shares the Town of Ocean View's western boundary, south to Beaver Dam Road. The area is bound on the west by Route 17, and includes land north of Town.

In this area, the Town will consider annexation when petitioned by property owners. If development occurs outside Town boundaries in this area, the Town wishes to work with other jurisdictions that are considering land development projects.

The Town of Millville recognizes that the Town of Ocean View's comprehensive plan includes the area south of Burbage Road and east of Substation Road as an area of potential annexation, an area also within Millville's area of concern. The Town of Millville has entered into a memorandum of understanding with the Town of Ocean View on how the two towns will coordinate on development issues within this area.

The Town of Millville is also interested in developing an MOU with Sussex County to agree on a method of coordinating on development projects under the County's jurisdiction within Millville's area of concern.

There are several areas in and around Millville where there are parcels and/or subdivisions split by jurisdictional lines. These areas include the Murray's Haven subdivision and adjacent lands along Route 26, the Lord Baltimore Elementary School, and Country Estates. The Town of Millville needs to work with property owners in these areas, the Town of Ocean View and Sussex County to clarify and round out municipal boundaries so as to eliminate any jurisdictional confusion in these areas.

#### Process for Annexation into Millville

The Town of Millville's annexation process is provided for in the town's charter and further governed by Title 22, Chapter 101, Section 101 of the Delaware Code. Millville's town charter provides for three methods for an annexation to occur. First, if all the property owners of an area adjacent to Millville's limits petition the town for annexation then the mayor will appoint a committee to investigate the possibility of annexation. It the committee finds the annexation to be advantageous to the town and the petitioners then the town council may, with a 2/3 vote, pass a resolution to annex the territory. The second method for annexation occurs when less than all the property owners (but more than 5) of an area adjacent to Millville petition the town for annexation or when a potential annexation under the first method is found to be disadvantageous. As above, the mayor appoints a committee to study the proposed annexation. If the annexation is found to be disadvantageous then the council may, with a 2/3 vote, schedule a public hearing on the annexation. If the annexation is determined to be advantageous then a public hearing is scheduled. The public hearing is followed by a special election to vote on the approval of the annexation. A majority vote in favor of the annexation results in the annexation of the proposed area into the town. The final method of annexation applies to territory exempt from taxation. Upon petition of the property owner, the town council may approve the annexation with a 2/3

vote if the annexation is determined to be advantageous or with a 3/4 vote if the annexation is determined to be disadvantageous.

Title 22, Chapter 101, Section 101 of the Delaware Code requires that annexations conform to four additional provisions. First, the annexation must be consistent with the town's most recently adopted comprehensive plan insomuch as the potential annexation area is shown as an area for future annexation in the adopted plan. Next, the town must prepare a plan of services that will be provided to the annexed area detailing how these services will be provided and the capabilities of the town to provide such services. Also, the annexed area must be rezoned to a classification consistent with the town's adopted comprehensive plan. Finally, the town must notify the state and all affected jurisdictions to the proposed annexation, conduct a public hearing, and allow for a comment period of at least 30 days before formal annexation.

#### Recent Annexations

The Town of Millville has had two annexations in recent years. In December 2001 the Town annexed 12 acres in the Denton Mills subdivision and the 111-acre Dove Landing. At the time it was annexed, sewer infrastructure was not available for the project. Recent planning on the part of Sussex County has been able to accommodate this area within the Millville sewer area.

The state opposed the annexation of Dove Landing when it was reviewed through the Land Use Planning Act process in the summer of 2000, because it would create an enclave and because of the lack of the context of a comprehensive plan. The letter, dated August 21, 2000, stated, "The State urges the Town to consider beginning a comprehensive plan and determining how it 'wants to grow' before approving this application for annexation/rezoning." Additionally, the Town did not coordinate with Sussex County regarding the need for sewer on this property. Therefore, the Dove Landing Area was not included in the sewer study area for Millville.

Since this annexation, the Town has begun the process to develop a comprehensive plan, and has begun to coordinate with Sussex County on issues relating to sewer, not only in Dove Landing, but town-wide.

#### Future Annexation

The Town of Millville is aware of the rapid growth occurring around it and of the recent expansion of the neighboring Town of Ocean View. The Town is conscious of the need to keep its own identity in the midst of this growth, and recognizes that annexation may be one tool they use to do this. The Town realizes that annexation is an important tool to help shape the land use in the area surrounding the current town boundary. The Town has identified an annexation area within which the Town would like to consider annexations. It is also within this area that the Town would like to coordinate with the County on any land use decisions under the County's jurisdiction.

When the Town adopted its Comprehensive Plan in October 2003, there were several criteria listed under which annexation would be considered. The Town has worked diligently in recent months to meet these criteria in order to be ready to annex. The Town has hired a town manager and adopted a subdivision ordinance. The Town has also been coordinating with Sussex County on sewer issues in the annexation area surrounding the town.

The Town is working with a developer to master plan the majority of the land within this annexation area. They anticipate a town center, mixed density residential, and open space and other amenities for the future residents. Much of the other land that will be considered for annexation would be developed residentially. The corner of Route 26 and Route 17 is currently developed commercial, and if annexed into town, it is anticipated that it would remain commercial. Other areas along Route 26 would also be annexed as commercial property.

#### Specific Goals/Objectives

- 1. **Goal:** To ensure a sufficiently high quality of life for current and future residents of Millville.
- 1.1 **Objective:** To enable the adequate provision of services such as central water and wastewater systems and police services.
- 1.2 **Objective:** To coordinate with the appropriate State, County, municipal, and private agencies and service providers to deliver quality services to the residents of Millville.
- 2 Goal: To grow in a manner consistent with current town values.
- 2.1 **Objective:** To manage future development in a manner that promotes the quality of life desired by the residents.
- 3. **Goal:** To protect the environmental quality of resources located within Millville and in the surrounding area.
- 3.1 **Objective:** To promote future development that seeks to minimize adverse affects on the Indian River Bay Watershed and other nearby environmental features.
- 4. **Goal:** To provide for and protect existing open space areas within the community.
- 4.1 **Objective:** To promote the continued existence of current open spaces areas and the provision of open space areas in future developments for both recreational and aesthetic purposes.
- 5. **Goal:** To target development in areas where services can be provided at the least cost and in the shortest time possible.
- 5.1 **Objective:** To promote the annexation of appropriate areas adjacent to the existing town boundaries that will be serviced by central water and wastewater systems in the near future.

Recommendations

Work with the Town of Ocean View and Sussex County to ensure that development that occurs within the area of concern is compatible with the character of Millville

The Town will participate in the land use decision processes in Sussex County and neighboring Ocean View to stay informed on development surrounding town and to provide input where issues impact Millville residents.

Continue working on master plan for Millville Town Center, south of the current town
The Town of Millville has an opportunity to work with developers to master plan a large area
south of town. A master plan will allow the Town to address the cumulative impacts of the
development and to provide a true community as an extension of the existing town. Master
planning can address such issues as vehicular and pedestrian connectivity, location and
interconnection of open space, preservation of natural and cultural resources. The new
community would be built at a pedestrian scale and offer benefits to the Town.

Coordinate with Sussex County and Ocean View regarding annexation and development proposals within the annexation area depicted on Map 7a..

Adhere to the Memorandum of Understanding between Millville and Ocean View defining how the towns will coordinate with each other on annexation and development requests where annexation areas. A Memorandum of Understanding with Sussex County would define coordination on development activity within the area of concern, as well as sewer issues.

Work with Sussex County, the Town of Ocean View and property owners to round out municipal boundaries.

In areas where the municipal boundaries of Millville and Ocean View create enclaves and other areas of jurisdictional confusion, the towns should work together and with Sussex County and relevant property owners to adjust the municipal boundaries to eliminate such confusion.

#### D. Provision of Utilities, Community Facilities and Services, and Transportation

Wastewater Infrastructure

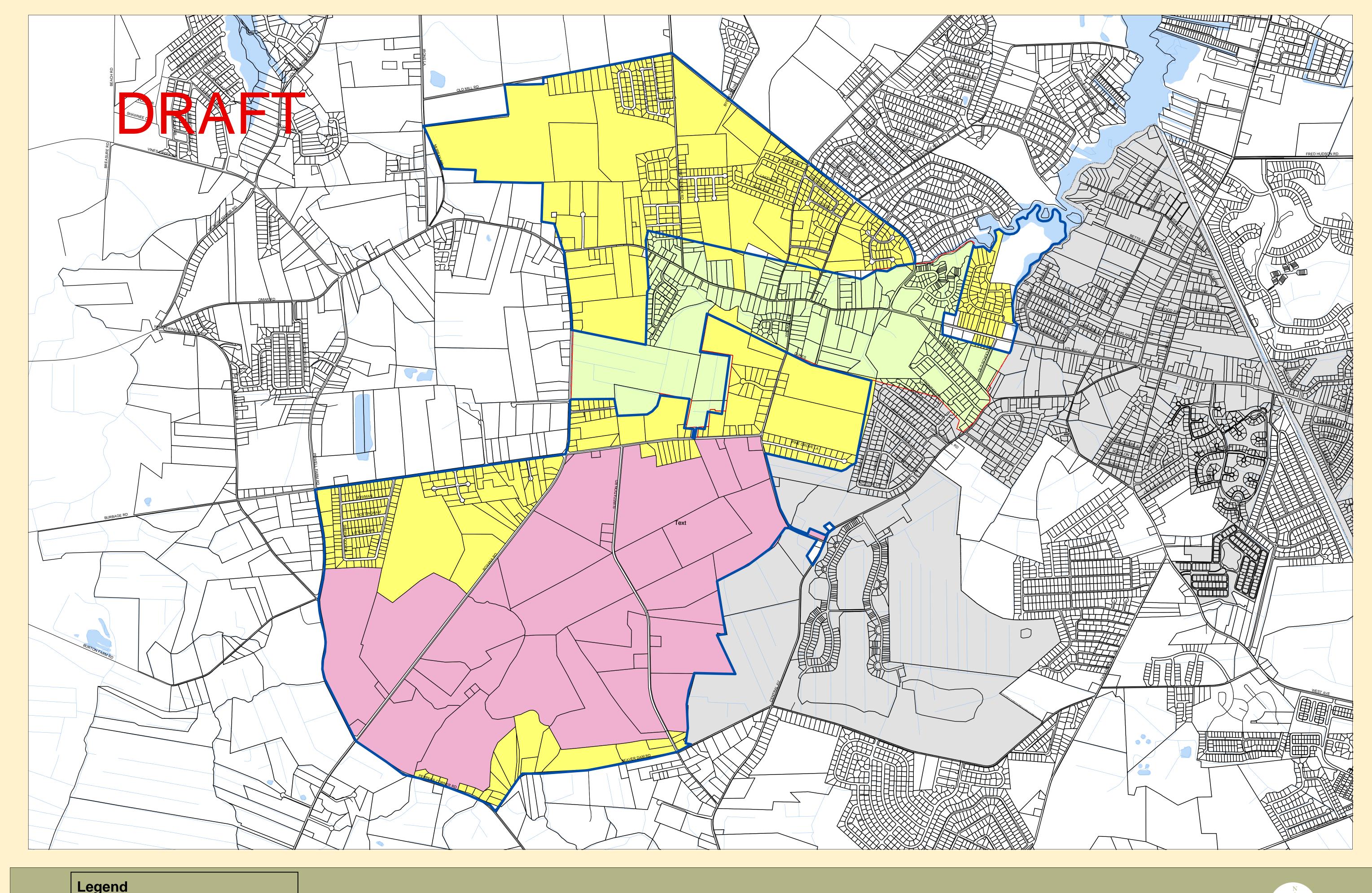
The Town of Millville (with a few exceptions) is currently not on a central water or wastewater system. Most of the residences and businesses within the Town draw their water from private wells and utilize on-site septic systems. At the public workshop held in October 2002 and in the questionnaire of town residents, central water and sewer were among the top issues raised by Millville residents.

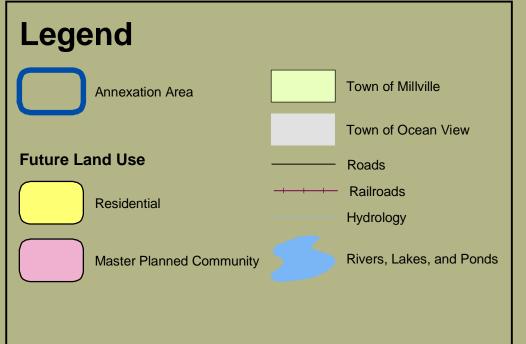
The Town is in Sussex County's Millville sewer area. An expansion of the Bethany Beach Sanitary Sewer District was approved by Sussex County Council on September 23, 2003 to include the Millville, North Millville and Holts Landing service areas. There are no plans for Sussex County to build the sewer in the area until June 2008, although development in the area could bring sewer infrastructure ahead of schedule. The study allocates capacity to the Town of Millville and the portions of its annexation area within the Study to support build-out of the Town at the current zoning.

Food Lion and areas east of Food Lion along Route 26 currently receive sewer service. With some of the development occurring north of Millville, it is possible that developer-funded improvements to the sewer system could bring sewer to Cedar Drive two or three years earlier than June 2008. The timing of this will depend upon the timing of the private development activities in Sussex County that would make this happen. As a part of the Dove Landing project, the developer will run the sewer line along Route 26. The timing of this development project could speed up the availability of sewer infrastructure town-wide. Other potential development within the Town could also result in having some of the sewer infrastructure in place ahead of the anticipated June 2008.

Dove Landing was annexed into Millville in December 2001 without the proper coordination with Sussex County. This area was therefore, left out of the Millville Planning Area. Recent communications between the Town of Millville and Sussex County have made progress toward resolving this issue, and now Dove Landing will be included in the Millville sewer area. Expansion of the town, particularly to the south and southwest, will be handled as part of the Beaver Dam sewer area. Planning for this area is underway, as a part of the South Coastal Area Planning Study. Sewer infrastructure in this area will be primarily developer-funded to serve several development priority projects currently under consideration.







# Town of Millville, Delaware

Map 7a. Annexation Area

0 285570 1,140 1,710 2,280 Feet

## May 2004



DRAFT Parcel - Parcels for Sussex County are being developed by Thompson Mapping and have not gone through a final review process, 2002.

Base map - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).

Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

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